

Clean Water Commission to dismiss appeal

The Clean Water Commission is expected to sign an order dismissing the Corps of Engineer's appeal of the DNR's denial of Water Quality Certification during their meeting July 30.

The DNR and Corps reached a Settlement Agreement June 9, 2003 and have signed a Memorandum of Agreement on work to be done at Big Oak Tree State Park.

Meanwhile, the Missouri Coalition for the Environment and Environmental Defense have filed an appeal of the Water Quality Certification before the Clean Water Commission.

An Administrative Hearing officer

has set September 9 as the date for a telephone conference to discuss whether or not the two organizations have standing to file an appeal.

Administrative Hearing officer June Striegel Doughty has already ruled that she has no authority to grant the environmental intervenors further discovery proceedings since the two major agencies have reached a settlement and she concludes in her

letter to them setting that date that in appeals for solid waste permits, third parties do not have the right to appeal.

She indicated there is no case of record dealing with third party appeals in a case of water quality certification.